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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,651	12/30/2003	Chih-Wei Wu	12392-US-PA	1650

31561 7590 10/23/2006

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE  
7 FLOOR-1, NO. 100  
ROOSEVELT ROAD, SECTION 2  
TAIPEI, 100  
TAIWAN

EXAMINER

YANCHUS III, PAUL B

ART UNIT PAPER NUMBER

2116

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/707,651	<b>Applicant(s)</b> WU, CHIH-WEI	
	<b>Examiner</b> Paul B. Yanchus	<b>Art Unit</b> 2116	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10, 13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims contain the limitation “displaying a user interface of said setup menu and functions of said system configuration settings selected by the user.” There is no mention in the specification or claims as to *when* the “functions of said system configuration settings” are “selected by the user.” There is also no mention in the specification or claims as to *how* the “functions of said system configuration settings” are “selected by the user.”

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art [AAPA] and Do, US Patent no. 6,367,007, in view of Christeson, US Patent no. 5,822,581.

Regarding claims 10 and 13, AAPA discloses a method for updating a BIOS to simplify change of a setting for said BIOS, said method comprising:

performing a power-on self test by a data processing device [element 100 in Figure 2a];  
the data processing device checking a keyboard status and performing specific key-in commands [element 110 in Figure 2a];

detecting a memory and a setting status of said memory by said data processing device [element 120 in Figure 2a];

detecting peripheral devices of said data processing device and a setting status of said peripheral devices [element 130 in Figure 2a];

AAPA does not disclose providing a memory to store at least one set of system configuration settings, determining which one of said set of system configuration settings is triggered and performing functions of said system configuration settings. Do discloses providing a memory to store at least one set of system configuration settings [Flash ROM, column 1, lines 52-55], determining which one of said set of system configuration settings is triggered [determining whether optional components are installed in the computer, column 1, lines 60-65] and performing functions of said system configuration settings [executing custom program code, column 2, lines 14-19]. It would have been obvious to one of ordinary skill in the art to modify the AAPA method to provide a memory to store at least one set of system configuration settings.

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Providing a separate memory to store system configuration settings allows for more custom system configurations to be supported by the BIOS [Do, column 1, lines 52-56].

AAPA and Do, as described above, disclose a method for updating a BIOS. AAPA and Do, do not disclose a reset mode, including resetting data in the CMOS and a writing mode, including writing data stored in a backup memory into the CMOS. However, as shown by Christeson, using an input device to select an option in a menu for resetting a CMOS or writing backup data into a CMOS is well known in the art. Christeson discloses using an input device to select a reset mode in a menu [column 7, lines 11-18], the reset mode including resetting data in the CMOS [LOAD CMOS WITH BIOS DEFAULTS in Figure 5] and using an input device to select a writing mode in a menu [column 7, lines 11-18], the writing mode including writing data stored in a backup memory into the CMOS [RESTORE CMOS FROM FLASH BACKUP in Figure 5]. It would have been obvious to one of ordinary skill in the art to include the well known CMOS reset and write modes into the AAPA and Do method in order to restore computer system operation in the case that the CMOS has been corrupted.

Regarding claim 14, Do discloses that the data processing device is a desktop computer [Do, column 1, lines 12-13].

### ***Response to Arguments***

Applicant's arguments filed 7/18/06, with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 7/18/06, with respect to claims 10 and 13-14 have been fully considered but they are not persuasive. Applicant argues that Christeson does not disclose that the reset mode is performed via an input device. Examiner disagrees. Christeson discloses that an input device is used to select either a reset [restore] or writing [save] mode of operation for the system [column 7, lines 11-18].

The rejections to claims 10 and 13-14 are respectfully maintained.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul B. Yanchus whose telephone number is (571) 272-3678. The examiner can normally be reached on Mon-Thurs 8:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Paul Yanchus  
October 16, 2006

  
**LYNNE H. BROWNE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**